

## REMARKS/ARGUMENTS

In the Office Action mailed August 21, 2008, claims 6 and 8 were rejected. In response, Applicants have amended claims 6 and 8. Applicants hereby request reconsideration of the application in view of the amended claims, the new claim, and the below-provided remarks.

Claims 6 and 8 were rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

Applicants note with appreciation the allowance of Claims 1, 3, 4, 10, and 16.

In response to the Office Action's rejection of Claims 6 and 10 under 35 U.S.C. § 101 for being directed to non-statutory subject matter, Applicants respectfully believe the amendments to Claims 6 and 8 render the rejection moot. Claims 6 and 8 now recite "a processor for performing the steps of...". This removes any interpretation which would yield the belief that the means must be implemented in hardware. Applicants respectfully request withdrawal of the § 101 rejection of claims 6 and 8.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the proposed amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/Aaron M Waxler/

Date: November 19, 2008

Aaron Waxler  
Reg. No. 48,027  
Phone: (914) 860-4296